

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 3, Canjilon Creek

NOTICE AND ORDER TO SHOW CAUSE

To: All Defendants in the Canjilon Subsection,
Section 3 of the Rio Chama Stream System

Priority Dates:

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water rights, or the priority date for any other water rights, for irrigated lands in the Canjilon Subsection of Section 3 ("Canjilon Subjection") as described below:

DITCH	PRIORITY DATE
Spring No. 3 Ditch	1906
Spring No. 4 Ditch	1906
Spring No. 5 Ditch	1906
Martinez Unnamed Ditch	1906
Unknown Ditch	1919
Ortiz Ditch No. 1	1899
Ortiz Ditch No. 2	1899
Ortiz Ditch No. 3	1899
Ortiz Ditch No. 4	1895
Ortiz Ditch No. 5	1895

Bordo Ditch	1888
Casias Ditch	1886
El Llano Ditch	1874
Brazito Ditch	1888
Otra Vanda Ditch	1874
Valdez Ditch	1884
Rivera Ditch No. 1	1884
Rivera Ditch No. 2	1884
Acequia El Pinabetal	1884
Acequia Del Orilla	1871
Garcia Ditch No. 1	1871
Garcia Ditch No. 2	1892
Montoya Creek Ditch	1871
Salazar Ditch	1871
Leyba Ditch	1882
A.E. Garcia Ditch	1900
Rumaldita Martinez/A.A. Garcia Ditch	1882

The priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless you or other persons file objections. The priority dates for ditches listed above will also apply to a spring that serves as a source of water for irrigators under those ditches, and which is described in an individual subfile order filed with the Court.

Irrigation Water Requirements

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Canjilon Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.16 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.90 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.83 acre-feet per acre per annum.

The term “Consumptive Irrigation Requirement” (CIR) refers to the quantity of water, expressed in acre-feet per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term “Farm Delivery Requirement” (FDR) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The term “Project Diversion Requirement” (PDR) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year.

The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

You are hereby notified that you are required to file an objection with the Court if you disagree with the State’s proposed determination of the priority date or irrigation water requirements for your water rights, or the priority date or irrigation water requirements for any other water rights, for irrigated lands in the Canjilon Subsection.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If objections are filed by any persons, you will be notified of the objections and may participate in the proceedings to resolve those objections. If no

objections are filed, the Court will enter an order that recognizes those elements of your water rights and the water rights of other surface water users in the Canjilon Subsection as described above. If you disagree, you must follow the instructions below.

In the absence of any objections, you will have no other opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Canjilon Subsection, and subsequent *inter se* proceedings in the Canjilon Subsection will not include the opportunity to object to those determinations.

In cases where defendants in the Canjilon Subsection have previously agreed with the State on the priority dates for their water rights or the irrigation water requirements for their water rights, and those priority dates or irrigation water requirements have been incorporated into subfile orders entered by the Court, those priority dates or irrigation water requirements cannot be challenged by those defendants. Other persons with standing may however file objections.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or the irrigation water requirements for surface water irrigation use in the Canjilon Subsection as stated above, you must file the form entitled Objection and Response to Notice and Order to Show Cause with the Court, in person or by mail **FOR RECEIPT NO LATER THAN August 29, 2014:**

United States District Court Clerk
333 Lomas Blvd. NW, Suite 270
Albuquerque, NM 87102

If you timely file an objection, the Court will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights in the Canjilon Subsection. If you fail to timely object you may not raise objections in the future.

If you have any questions, call or write:

Jay Porteen
Litigation & Adjudication Program
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-4012 telephone

or, John W. Utton
Attorney for Asociación de Acéquias
Norteñas de Rio Arriba
Sheehan & Sheehan, P.A.
P.O. Box 271
Albuquerque, NM 87103-0271
(505) 699-1445 telephone
(505) 842-8890 facsimile

IT IS SO ORDERED.

Lorenzo F. Garcia
LORENZO F. GARCIA
UNITED STATES MAGISTRATE JUDGE